

**AMENDMENTS TO THE CLAIMS**

The following listing of claims replaces all prior versions of claims in the application.

1. (Previously Presented): A nonaqueous electrolyte battery comprising:  
a positive electrode (1) including a positive electrode active material layer;  
a negative electrode (2) including a negative electrode active material layer;  
a nonaqueous electrolyte (5); and  
a conductive material, contained in said positive electrode active material layer, containing carbon black having a specific surface area of at least  $1 \text{ m}^2/\text{g}$  and less than  $800 \text{ m}^2/\text{g}$  and a nitride having particles of at least  $0.2 \text{ }\mu\text{m}$  and not more than  $5 \text{ }\mu\text{m}$  in average particle diameter easily dispersed into said positive electrode active material layer.

2. (Cancelled).

3. (Previously Presented): The nonaqueous electrolyte battery according to claim 1, wherein said nitride includes a metal nitride.

4. (Original): The nonaqueous electrolyte battery according to claim 3, wherein said metal nitride includes zirconium nitride ( $\text{ZrN}$  or  $\text{Zr}_3\text{N}_2$ ).

5. (Cancelled).

6. (Previously Presented): A nonaqueous electrolyte battery comprising:  
a positive electrode (1) including a positive electrode active material layer;  
a negative electrode (2) including a negative electrode active material layer;

a nonaqueous electrolyte (5); and

a conductive material, contained in said positive electrode active material layer, containing carbon black and a nitride having particles of at least 0.2  $\mu\text{m}$  and not more than 5  $\mu\text{m}$  in average particle diameter easily dispersed into said positive electrode active material layer.

7. (Cancelled).

8. (Previously Presented): The nonaqueous electrolyte battery according to claim 6, wherein said nitride includes a metal nitride.

9. (Original): The nonaqueous electrolyte battery according to claim 8, wherein said metal nitride includes zirconium nitride ( $\text{ZrN}$  or  $\text{Zr}_3\text{N}_2$ ).

10. (Previously Presented): The nonaqueous electrolyte battery according to claim 6, wherein said carbon black has a specific surface area of at least 1  $\text{m}^2/\text{g}$  and less than 800  $\text{m}^2/\text{g}$ .

11. (Original): A nonaqueous electrolyte battery comprising:

a positive electrode (1) including a positive electrode active material layer;

a negative electrode (2) including a negative electrode active material layer;

a nonaqueous electrolyte (5); and

a conductive material, contained in said positive electrode active material layer, containing carbon black having a specific surface area of at least 1  $\text{m}^2/\text{g}$  and less than 800  $\text{m}^2/\text{g}$  and zirconium nitride ( $\text{ZrN}$  or  $\text{Zr}_3\text{N}_2$ ) having particles of at least 0.2  $\mu\text{m}$  and not more than 5  $\mu\text{m}$  in average particle diameter easily dispersed into said positive electrode active material layer.